

In the  
**Indiana Supreme Court**



IN THE MATTER OF THE  
APPROVAL OF LOCAL RULES  
FOR VIGO COUNTY

Case No. **84S00-1305-MS-370**

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Vigo Circuit and Superior Courts request the approval of an amended local rule for case assignment in accordance with Ind. Criminal Rule 2.2. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Vigo Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR84-CR2.2 Rule 2 complies with the requirements of Ind. Criminal Rule 2.2, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Vigo County Local Rule, LR84-CR2.2 Rule 2, set forth as an attachment to this Order, is approved effective May 1, 2013, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Phillip I. Adler, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. David R. Bolk, Vigo Circuit Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael Lewis, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807; the Hon. Christopher A. Newton, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. Michael R. Rader, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; the Hon. John Roach, Vigo Superior Court, 33 South Third Street, Terre Haute, IN 47807-3434; to the Clerk of the Vigo Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Vigo Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on May 16, 2013.



Brent E. Dickson  
Chief Justice of Indiana

## **CR2.2 Rule 2            Criminal Case Assignments**

(A) Except as provided in paragraph (F) and (G) below, the following rotation for felony cases, excluding Class D Felonies, is adopted for Superior Court Division 1, Circuit/Superior Court Division 3, Superior Court Division 5, and Superior Court Division 6. All felony cases, excluding Class D Felonies, will be assigned on a rotating basis beginning with Division 1, then 3, then 5, and then 6, and is based upon the time of the occurrence of the offense.

(1) Offenses occurring between 12:01 A.M. of the first day of each month through midnight on the 9th day of each month will be assigned to Superior Court Division 1.

(2) Offenses occurring between 12:01 A.M. of the 10th day of each month through midnight of the 18th day of that month will be assigned to Circuit/Superior Court Division 3.

(3) Offenses occurring between 12:01 A.M. on the 19th day of each month through midnight of the 27th day of that month will be assigned to Superior Court Division 6.

(4) Offenses occurring between 12:01 A.M. of the 28th day of each month through midnight of the last day of that month will be assigned to Superior Court Division 5.

(5) Notwithstanding the above rule, no Superior Court judge shall have more than one capital murder case pending at any one time except where multiple defendants are charged with capital murder arising out of a single episode.

(B) Assignment of Class D Felonies.

(1) Class D Felonies arising out of domestic relations shall be assigned to Superior Court Division 4.

(2) Class D Felonies relating to Operating a Motor Vehicle While Intoxicated shall be assigned to Vigo Superior Court Division 5.

(3) All other Class D Felonies shall be assigned to Vigo Superior Court Division 1, 3 and 6 on a rotating basis, beginning with Division 1, then 3, then 6, and is based upon the time of the occurrence of the offense.

(a) Offenses occurring from the first day of the month through midnight of the 10th day of the month will be assigned to Superior Court Division 1.

(b) Offenses occurring from 12:01 A.M. on the 11th day of each month through midnight of the 20th day of each month will be assigned to Superior Court Division 3.

(c) Offenses occurring from 12:01 A.M. on the 21st day of each month through the end of the month will be assigned to Superior Court Division 6.

(C) All criminal misdemeanor cases shall be assigned as follows:

(1) Offenses for Operating a Vehicle While Intoxicated shall be assigned to Division 5.

(2) All criminal misdemeanors arising out of domestic violence shall be assigned to Division 4.

(3) All other misdemeanor offenses shall be assigned to Division 1, and 6 on a rotating basis. Offenses occurring between 12:01 A.M. of the first day of each month through midnight of the 15th day of that month will be assigned to Superior Court Division 1. Offenses occurring between 12:01 on the 16th day of each month through the end of the month will be assigned to Superior Court Division 6

(D) In the case of multiple offenses, the date of the earliest offense alleged in the charging document shall assign the rotation date and assignment of the court. If a case involves both felony and misdemeanor charges, the case shall be considered a felony for application of this rule.

(E) A judge of the Circuit or Superior Courts, by appropriate order entered in the record of judgments and orders, may transfer and reassign a case to any other court of record in the county with jurisdiction to hear the charged offense subject to acceptance by the receiving court.

(F) When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which the dismissal was taken, except for cases dismissed and transferred to Drug Court.

(G) With the exception of new causes of action covered under (B)(1), (B)(2), and (C) above, when a new cause of action is filed against a Defendant with an existing felony proceeding originally filed under subsection (A) or (B)(3) the new cause of action shall be assigned to the Court where the existing cause of action is pending.

(H) When a new cause of action is filed against a Defendant who is on probation or serving a direct commitment in a Community Corrections program as a result of a case originally filed under (A) or (B)(3) the new cause of action shall be filed in the Court in which the probation or Commitment is being supervised.

STATE OF INDIANA  
COUNTY OF VIGO  
IN THE VIGO CIRCUIT AND SUPERIOR COURTS

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**Notice of Proposed Amendments to Local Court Rules on Criminal Case  
Assignments and Local Reassignment Rules**

**March 28, 2013**

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In accordance with Trial Rule 81 of the Indiana Rules of Court, the Vigo Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule on **Criminal Case Assignments at LR84-CR2.2 Rule 2** and the **Local Reassignment Rules at LR84-TR79-Rule 18** for the courts of record of Vigo County, to be effective **May 1, 2013**. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for these local rules amendments and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment begins on **March 28, 2013**, and closes on **April 27, 2013**.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Honorable David R. Bolk, Judge of the Vigo Circuit/Superior Court Division 3, Attn: Public Comment on Local Rules, Vigo County Courthouse, 33 South 3<sup>rd</sup> Street, Terre Haute, Indiana 47807; or [dabolk@aol.com](mailto:dabolk@aol.com).

A paper copy of the proposed amended local rules will be made available for viewing in the office of the Clerk of Vigo County, Vigo County Courthouse, 33 South 3<sup>rd</sup> Street, Terre Haute, Indiana 47807 during normal business hours. Persons with Internet access may view the proposed amended local rule for Caseload Allocation Plan at the following websites:

<http://www.vigocounty.in.gov/clerk> or <http://www.courts.IN.gov/rules/local>

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David R. Bolk, Judge  
Vigo Circuit/ Superior Court Division 3